

DALE FARM EVICTION

REPORT by Grattan Puxon, secretary of the Dale Farm Housing Association, a founder in 1966 of the Gypsy Council and for ten years general-secretary of the International Romani Union. He is co-author of *Gypsies Under the Swastika*, a standard work on the Nazi Genocide against the Romani people.

HILARY CLINTON'S message to the European Roma and Travellers Forum on 8 April 2009:
Protecting your rights has long been of personal interest to me... You continue to experience racial profiling, violence, discrimination and other human rights abuses... The US is committed to promoting your rights through the United Nations.

a) At a time when Roma are being murdered in Hungary, our camps burned by Italian vigilantes and an ancient quarter destroyed in Istanbul, not to speak of the tragedy of Kosovo, it is a privilege to have a UN mission look into the plight of families faced with eviction from Dale Farm.

b) Casualties themselves of an ugly upsurge of anti-Gypsy racism, only too evident in this district of Eastern England as in almost all parts of Europe, residents hope that their seven-year advocacy campaign for human rights and civic recognition, widely supported around the globe, may through your mission help to bring about a new social reconciliation and community harmony.

c) Aware that the UN Mission, the CEHR as well as the Gypsy Council are negotiating with the BDC and would moreover be witness to in the event - and it would be a traumatic event for all - that Mr Buckley orders his long-planned eviction operation, we pray that he will not attempt such an extreme solution.

d) Medical doctors of the local health care trust have warned that such an eviction would inevitably involve injury and psychological trauma, particularly to small children and the elderly. Indeed, there are a number of elderly sick for whom a violent eviction from their homes would be a death sentence. If not succumbing to the immediate assault, they could not survive long on the roadside.

e) The Children's Commissioner has asked Mr Buckley (see letter dated 23 January 2009) for the detailed plan covering the eviction process and the steps being taken to secure the safety and wellbeing of pregnant women and children; also for details of the arrangements being made for the accommodation of families following the eviction.

All this social creativity would be lost should the community be forcefully broken up and dispersed, as the BDC intends.

HISTORY

l) Since the ends of the Second World War, when Basildon welcomed families made homeless by the blitz, Gypsies have come to settle in the district. This process has accelerated and was further speeded by the Criminal Justice Act of 1994, a piece of legislation which has in effect outlawed the Travellers' way of life.

m) Awarded new powers under s62 of this Act, the police are able to move on Gypsies at will. As an example I may quote something that occurred last year in this area. Twenty-five families, several with relations at Dale Farm, were moved on five times in ten days; from Canvey Island, from Southend, from Shoeburyness, then Pitsea and Billericay, a short distance from here. They headed then for the West Midlands where later Travellers were attacked by vigilantes.

n) Whatever is said about providing care for families at the roadside; about school attendance continuing, the reality has been illustrated forceful to us. On past evidence and experience, the police would simply run us out of the district.

o) It must be emphasised that eviction without provision of alternative accommodation is a proposition unacceptable to us. The Council cannot expect residents peacefully to withdraw, abandoning their homes and giving up all claim to their rights to security, integrity of the family and the protection and education of their children, guaranteed under the Human Rights Act and children's legislation; together with the government promises that by 2011 the accommodation crisis faced by Gypsies and Travellers will be tackled.

p) Such a final and unilateral solution is not one that can in the circumstances ever be agreed upon. It would bring only harassment, deprivation and death.

q) The DFH believes that commonsense should lead us in another direction. We advocate a solution which would not involve the squandering of millions in public money on either a clumsy and possibly fruitless eviction, nor huge expenditure on the building of a number of council "sites". Note that recent re-accommodation of eight families in East London has cost two million pounds, indicating that the cost of accommodating over eighty households at Dale Farm would be in the region of 20 million pounds.

No satisfactory answers have been forthcoming. Can the Council provide any today?

f) Note that Our Lady of Good Counsel Church, together with the Church of England and Life Church, Wickford, have offered to open their church halls as a place of temporary refuge for the mothers and babies, small children and vulnerable elderly and sick persons should an eviction be ordered.

g) An eviction would be an outrage against civilized behaviour and social norms, the more so because Dale Farm is a community, in the deepest sense of the word. The elderly are cared for (not put into homes), all keep an eye on the children, and the extended families together maintain a culture, including language and traditions, which have sustained them since time immemorial. In the current hostile and trouble-filled world, it's hardly surprising the residents, like Travellers and Roma everywhere, cling to their ways and beliefs.

h) Forced removal, if successful, would mean the end of regular education for 80 pupils now at primary school, and would dash the hopes for education of some 50 other young people of secondary school age - for whom an extensive educational programme is being put together by Prof Stephen Heppell, of Anglia Ruskin University.

i) As to planning regulations and the issue of the greenbelt, the BDC always has the option to allow development as it has done in the past and will do in the future, in the cases of thousands of new houses including that of local MP John Barron.

j) Since formation of the DFHA, of which over 100 residents are paying members (two for each yard), thousands of pounds have been contributed and spent on planning applications, appeals and community events, from tree-planting to children's parties, and including numerous meetings, rallies and marches.

k) As a result residents enjoy the use of a community centre, provided through funding to the DFHA by the Essex County Council and opened by Lord Avebury (which this council attempted to remove). The Saint Christopher Centre is used both for meetings and serves as a chapel for Catholic worship; it is the headquarters of the Chaveys Youth Club and has been used for numerous workshops, including those for photography and IT training and more recently the Theatre Resource. It is also utilized by an informal homework club and creche.

r) We suggest instead that Basildon follow the example of Brentwood and grant planning permission for the present unauthorised yards or plots at Dale Farm and Hovefields. This would fulfil the requirement on the BDC to provide a minimum of 62 pitches.

COMPLAINT OVER CONDUCT OF CONSTANT & CO BAILIFFS

Submitted to Ministry of Justice during recent review of regulations controlling private security and bailiff companies operating in the UK

1 Note that Constant & Co on its website quote the work it has been doing for Basildon District Council. The front cover depicts a heavy digger being used by Constant, as agents of the BDC crushing the mobile-home belonging to a family at Hovefields, Wickford.

2 According to a statement by BDC in an answer received under the Freedom of Information Act, no Risk Assessment as required by Health & Safety Regulations was drawn up before this action; nor has any Risk Assessment been undertaken in respect of the planned direct action eviction at Dale Farm.

3 It is scenes like this to which Mr Justice Collins referred during the judicial review of Basildon's decision to clear so-called unauthorized caravans from the district, entailing the bulldozing of up to 90 homes at Dale Farm, Crays Hill, and another 15 at Hovefields.

4 Mr Justice Collins stated: "Regardless of the outcome, I will request a serious rethink of the manner in which evictions take place."

In the Government report *The Road Ahead*, the use of force by bailiffs and police to dislodge families from their homes, to demolish those homes, and to compel people back onto the road is no longer an appropriate policy.

5 The purpose of the DFHA in submitting a formal complaint is to draw attention to many past misdoings by Constant bailiffs and, hopefully, to eliminate the danger to small children and sick persons so evident in the statements, video film and still pictures which we have collected.

6 As Mr Constant is aware, Dale Farm has become a global issue. It has been taken up as a major campaign by the Advocacy Project, in Washington DC, by the IAI in Italy, and is currently being introduced at chapters of Amnesty International. The Romani movement within the UK and around the world is solidly behind us. Media interest increases monthly, and various media people have arranged with us to be embedded at Dale Farm should a confrontation, despite our best efforts and this complaint, prove unavoidable.

7 A widening number of people, including Basildon voters, are coming to believe that in view of the fact that the Regional Assembly has ascertained that at least 81 new pitches (or yards as we say) are needed to meet the needs of those lacking planning permits, it would be simple common sense to legalize existing unauthorised yards - rather than go through the difficult and expensive process of finding and developing other locations within the district. However, that is a matter for BDC and not Mr Constant.

8 At the same time, it has become increasingly evident over the past several years that Constant & Co., as Mr Justice Collins has intimated (having viewed video film of these bailiffs at work at Hovefields at elsewhere) are not fit for purpose. Countless allegations and complaints are made concerning the almost daily move-on operations undertaken by Constant for local authorities and private landowners; they have roughly handled pregnant women, dragged about and terrified children, needlessly crushed and burned caravans and mobile homes, destroyed personal property; and on many occasions endangered the lives of young and old through reckless disregard of health and safety regulations. There are allegations, too, of items being looted during evictions.

43 Neither the risk assessment documents nor a description of the safety measures to be adopted are at present in the public domain. We request a copies of these documents under the Freedom of Information Act so that they can be examined by a) residents threatened with eviction, b) their legal representatives.

44 Any new risk assessment must take account of new babies, and elderly and sick persons who may have returned to Dale Farm, or have newly arrived within the community.

45 Because of our concerns about health and safety, and our complaint that Constant bailiffs have in the past disregarded regulations, we have drawn up teams of Human Rights Monitors to observe the eviction operation should it proceed. These Monitors will wear armbands to identify them, and will be equipped with cameras and recorders. Our advice is that they should have free access to Dale Farm, having been invited by residents. Does Mr Constant have any objections to their presence? Does Mr Constant intend to take any steps to impede their work?

46 We pose these questions because on past occasions the police have barred media people from evictions. At the Twin Oaks eviction, Clifford Codona, UK delegate to the European Roma and Travellers Forum, acting as a Human Rights Monitor, and Roddy Mansfield of Sky Television, complained that they were prevented from entering the site. We complain that Constant bailiffs were hostile and obstructive towards members of the media on this occasion.

9 It is significant that H.E.Services, whose heavy machinery was hired out to Constant for clearing yards at Hovefields, has stated that it will no longer allow its plant to be so employed. Following the protest carried out by Dale Farm residents at Diggerland, in Kent, executive director of the company Mr Hugh Edeleanu wrote a letter saying the eviction policy pursued by Basildon council was brutal and his company would have no further part in it.

10 The common view among our people is that Constant & Co., along with other private security companies, are the main agents for the perpetuation of a policy in Britain which bears many of the hall-marks of ethnic-cleansing.

11 As for Dale Farm, our view is that Constant should be taken off the job immediately. To this end we welcome the statement made by BDC to Mr Justice Collins that it has not as yet procured the services of bailiffs for any future direct action involving our community; and that it is considering consulting with an expert on how to proceed. In these circumstances we are asking representatives of Basildon Council to undertake an investigation of the past conduct of Constant bailiffs, if necessary with the assistance of the police, and to share their findings with us.

12 We are asking Basildon Council to consider statements made by residents at Dale Farm, and elsewhere, describing their ill-treatment by Constant & Co., the trauma suffered by their children and allegations that personal property has been needlessly seized and destroyed, or sold on by bailiffs.

13 We intend to refer aspects of their recent operations, including those carried out as agents of Basildon District Council, to the Health & Safety Executive.

14 Our documentation is based partly on police involvement which has been necessary in respect of Constant operations. To quote three examples:

1) Bedfordshire police officers present at an enforcement at Woodside Caravan Park had to intervene and stop the operation when bailiffs tried to drag a child from under a trailer-caravan:

2) Essex police investigated the possibility that bailiffs had looted and set-fire to a mobile-home at Meadowlands, Chelmsford, belonging to Mrs Kathy Buckland.

3) Leicester police received a complaint that bailiffs had slapped and punched two teenage girls during an eviction at Bulkington (the matter was subsequently placed in the hands of solicitors).

15 Perhaps most seriously as far as its local conduct is concerned, Mr Constant himself ignored a High Court injunction which at that time restrained him from entering property known as Ash View, at Gypsy Hill, Hovefields. He sent his bailiffs and a JCB through this yard, destroying fencing belonging to Mrs Gilheaney. She has abandoned the property, which has since been bulldozed, although neighbouring yards have received a four-year reprieve.

16 Much could be said about the almost routine endangering of small lives during evictions. Witnesses have seen children, on numerous occasions, in close proximity to heavy machinery and fires (at Woodside, Meadowlands, Bulkington Fields, Twin Oaks and Hovefields, to name a few instances). Old people and sick, even disabled persons, have been abused, frightened and pushed about. Already our people blame one death of a small children on bailiffs, where in the confusion and upset of an eviction, a Traveller's own lorry backed over a toddler. That child should have been removed from the site before the eviction operation commenced.

If this careless behaviour by Constant bailiffs goes unchecked other serious injuries and deaths are inevitable.

17 As a first step towards preventing such instances, we insist that Basildon District Council, in fulfilment of its obligations under Health & Safety legislation, instigate a full and thorough Risk Assessment of any future evictions which it may contemplate as regards Dale Farm, Oak Lane, Hovefields, or any other unauthorized site within the district (below we have listed a number of issues and questions in relation to this). This may or may not involve Mr Constant, but we place this on record in case he should be re-engaged by Basildon Council.

18 Further, we would like to see Essex Fire & Rescue officers participate in this assessment and believe it proper that they should do so, as fire hazard has been shown to be one of the greatest dangers when moving mobile-homes, chalets and caravans.

19 It goes without saying, that as the major party concerned in any enforced action at Dale Farm, where hundreds of our children and vulnerable elderly people would be put at risk, we would need to closely examine the Risk Assessment document when produced and our members would have to be satisfied as to its adequacy.

20 Can we have an undertaking that both the ACEA and Basildon Council will help ensure that a Risk Assessment relating to its plan to use Direct Action at Dale Farm is made available to the DFHA for its views and comments? Our intention is to submit these plans for scrutiny by Essex Fire & Rescue and the Health & Safety Executive.

21 We draw attention to the fact that where an Enforcement Notice or Injunction is being acted upon, the wording usually prescribes **removal** of persons and property. However, in practice Constant & Co, engaged by BDC for evictions at Hovefields, have ignored the legal definition of "removal" and proceeded to break down and burn fencing, instead of collecting the removable panels and taking them off the site for storage. Similarly, huts have been broken down and burned, as illustrated in video film taken at Woodside (Bedfordshire), Meadowlands (Essex) and Twin Oaks (Hertfordshire).

22 Kathy Buckland has described in a statement taken on video at Colchester Police Station how during the destruction of homes on the Meadowlands Caravan Park by Constant for Chelmsford Borough Council her mobile-home was towed out onto the road and burned.

23 Another witness, P.W.E., has described in a statement how despite a promise by Constant bailiffs to leave his hut intact and locked up so that personal property could be collected later, bailiffs working for Hertsmer council at the eviction of Twin Oaks caravan park (6 January 2006) set fire to it and destroyed his home and the entire contents, including bedding, furniture, clothes, pictures and family photographs.

24 No official of Chelmsford BC was present on the site during the Meadowlands eviction. To improve the situation in the event of a similar operation at Dale Farm, we have asked BDC if it will ensure that senior officials and staff, both from the BDC and ECC are present, a) to see that BDC agents Constant & Co (and or other bailiffs) are complying with health and safety regulations, b) to carry out their duty of care towards those rendered homeless (including duties under the Housing Act and Civil Contingencies Act), and c) in the case of the ECC, duties towards vulnerable children, the sick and disabled.

25 Assuming that Constant (or an alternative bailiff company) may be planning to transport caravans, mobile-homes and chalets to a storage depot (possibly that used by Constant at South Mimms, Herts), we have to question, based on past experience, whether this (or other bailiff firms) has sufficient expertise to carry out work in manner which will guarantee the preservation and good condition of these homes. Part of our complaint is that Constant has not employed workers with the proper skills and qualifications. We await Mr Constant's comments on this point.

26 A.E., M.Q and others whose homes were seized at Twin Oaks, complain that chalets were not properly and professionally dismantled and serious damage done to them. Neither were chalet sections adequately covered and suffered further deterioration due to exposure to weather. In some cases chalets could not be lived in again due to their ruined condition. A.E. complains that Constant bailiffs began to break down her chalet while she was inside and unable to move due to illness, and that two of her wheelchairs were needlessly smashed.

27 The DFHA is therefore seeking assurances from the ACEA, Mr Constant and BDC (due to the Council's planned eviction at Dale Farm) that bearing in mind up to ninety chalets, mobile-homes and caravans will need to be stored for a period of time, that adequate facilities will be available; that chalets will be properly and professionally dismantled, transported and stored. We note that few companies in the UK are fully qualified to dismantle chalets and Constant & Co is not one of them.

28 Due to previous lack of information from Constant & Co., we are asking that the ACEA and BDC ensure that Mr Constant informs owners in advance of the location of storage facilities, the procedure for reclaiming property and what fees (if any) will be payable and to whom.

29 We have concerns about the insurance of our homes while in the care of Constant, which has a poor track record for looking after such property. We here complain that insurance is inadequate and seek information and comment from Mr Constant about this. We ask whether the BDC and Constant has fully considered its potential liabilities and has adequate insurance coverage for the scale of operation and the dangers inherent in an eviction at Dale Farm, bearing in mind warnings that a Direct Action operation would lead to trauma, injurious and a civil riot.

Have the Council and Constant taken full note of statements by a Planning Inspector and of the Billericay and Wickford Primary Care Trust, who have spoken of the extreme reaction likely when people are being coerced by bailiffs and police to abandon their homes?

30 What will be the arrangements for those mobile-homes which are not owned by residents but instead are the subject of private rental agreements? For example some are owned by Mr Jenkins and the rent for them paid through Housing Benefit. Our complaint is that during the Twin Oaks eviction, one or more mobile-homes belonging to a leasee, Mr Jenkins, were damaged.

31 We note that an eviction on the scale planned by BDC at Dale Farm, using Constant or another bailiff company, is in large part a demolition operation. Aerial photographs of the site show scores of buildings, chalets, kitchen units, as well as plumbed-in mobile-homes. In addition, there are tarmac streets, extensive walls and fencing, concrete hard-standing, over forty cess-tanks, major electrical cables, water-pipes, gas-cylinders and other items.

32. With demolition on this scale, requiring heavy machinery, JCBs, low-loaders, cranes and bulldozers, it will be a requirement of Health and Safety Regulations to secure the site, in advance of work commencing, through erection of a perimeter fence, as on a building site. Our complaint is that at no previous eviction to date has such perimeter fencing been erected. We seek Mr Constant's comment on this, including reasons why health and safety regulations in this respect have been ignored.

33 Can we have an assurance from Mr Constant, and from Basildon Council, that it will ensure full compliance with the Health and Safety at Work Act 1974? And that this will include securing the perimeter of Dale Farm with fences before entry of heavy vehicles and the start of demolition?

34 We complain that in the past, Constant has either not drawn up a Risk Assessment document or no such document has been made available to those being evicted (this includes the owners of Woodside, Meadowlands, Twin Oaks and yards at Hovefields, Wickford). Our next concern therefore is that the Council and Constant (or other bailiff firm), draw up a detailed Risk Assessment, as required by law. This should cover possible danger to children, the elderly and infirm, as well as other adults, Council staff and indeed bailiffs. Having taken legal advice on this matter, it is our understanding that we have a legal right to be party to the drawing up of the Risk Assessment, in all aspects that involve residents and their property. We will require that the Risk Assessment satisfy, 1) Essex Fire & Rescue Officers, 2) the Health & Safety Executive and 3) the ACEA, which was set up to promote higher standards in the enforcement industry.

35 M.B., a mother involved in the Twin Oaks eviction, complains that Constant bailiffs and Hertfordshire police manhandled her while she was eight months pregnant. She was thrown heavily to the ground, causing her pain and nearly bringing on a miscarriage. Kathy Buckland complains that at Meadowlands, a Constant bailiff (whom she could identify) pushed her backwards into the dirt, calling her a "Fat Irish pig". She was six months pregnant.

35 In relation to heavy vehicles, we draw attention in this complaint to a recent HSE seminar (6 November 2007 at Colwyn Bay) at which it was stated that vehicle accidents account for many fatalities during demolition work. This is commonly due to contact between vehicles and persons on foot. HSE Inspector Debbie John said, ***"Site managers must identify risks posed. It could be a matter of life or death."***

36 Our complaint is that neglect of this issue has been evident at evictions at Hovefields and Twin Oaks in particular. We note that this could lead to charges under Section 3 (1) of the HSW Act for failing to ensure safety.

Constant and other bailiffs need also to pay close attention to the new Corporate Manslaughter Act under which company directors can be held responsible for deaths where risk assessment and health and safety measures are deemed to have been inadequate.

37 On to the issue of Risk Assessment, we complain that Constant has not always fully identified possible hazards and dangers, which could include movement of heavy machinery, falling walls and fences, buried electric cables, connected gas-cylinders and gas pipes, cess-tanks etc. As well as dangers to persons, there is the welfare and safety of pet dogs and other animals, which we say have been neglected.

38 The presence of asbestos (note the building at 6 Camilla Drive in this respect) at various locations at Dale Farm requires special handling. Regulation 10 (1) of the Control of Asbestos at Work Regulations 2002 states that asbestos roofs have to be removed under controlled conditions. The HSE warns that asbestos sheets must not be smashed by machine or hand tools, spreading asbestos fibres which would endanger health. We complain that Mr Constant, when engaged to draw up plans for an eviction at Dale Farm, has not adequately surveyed the site and fully considered the asbestos hazard.

39 In 2007 Wye Valley Demolition Ltd was heavily fined for releasing asbestos during demolition work. Unless we have a satisfactory answer to the effect that the Council and Constant (or other bailiffs) have assessed all the possible risks from asbestos at Dale Farm and are ready to employ experts for this job we intend to take the matter up with the HSE.

40 To comply with legal requirements, a record of the significant findings regarding health and safety issues must be made, with notes on all the persons that may be vulnerable, such as children, the elderly, the sick and the disabled.

41 In addition the BDC, Constant and any other agents employed, have a duty under MHASAW Regulations implementing the EC Framework Directive to make known in writing, and share with the DFHA, the worst-case likely outcome of the Dale Farm eviction operation. This is particularly the relevant, as here, where serious and imminent danger could arise, involving large numbers of people being exposed to harm, and even possible multiple fatalities. Does the ASEA, Basildon Council and Constant agree with this statement?

42 Note that the Regulations state that risk assessment must be periodically reviewed and updated. Is it correct that the last risk assessment in respect of Dale Farm was made in 2005?

43 Neither the risk assessment documents nor a description of the safety measures to be adopted are at present in the public domain. We request a copies of these documents under the Freedom of Information Act so that they can be examined by a) residents threatened with eviction, b) their legal representatives.

44 Any new risk assessment must take account of new babies, and elderly and sick persons who may have returned to Dale Farm, or have newly arrived within the community.

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47 Our complaints arise also from the fact that at the Twin Oaks eviction bailiffs at an early hour in the morning forced both adults and children to come out of their caravans; some children were barely dressed and barefoot. According to witnesses police on this occasion also went beyond their role of peacekeepers. Families were asleep when bailiffs entered and the officers participated in what was in our view inhuman and degrading treatment of men, women and especially children, in contravention of the Human Rights Act.

48 Can Mr Constant, if so employed, give us an assurance that in any future eviction at Dale Farm full account will be taken of the safety, legal rights, including human rights, of the legal residents at Dale Farm, in particular of those families residing alone Oak Lane?

49 We are concerned about the disturbance and annoyance that may be caused to legal residents by bailiffs and heavy machinery. Has Mr Constant considered this aspect?

50 We are also concerned about school attendance on the days when Mr Constant's crews might be demolishing homes, and the roads are likely to be blocked. Will Mr Constant assure us that all children, from both the licensed and unlicensed yards, will be able to get up as on a normal day without interference by bailiffs? Will they be able to dress, have their breakfast and prepare for school without hinderance? Will school transport have unhindered access? Will bailiffs keep away from the children's homes until after they have departed for school?

51 Here we must complain that in the past we have not been shown any evidence that Bailiffs (seen in video evidence to manhandle children) have been given the required legal clearance for work involving children through a fully enhanced check by the Criminal Records Bureau. We require commend and proof from Mr Constant on this (see accompanying photographs).

52 Previous evictions, including those at Hovefields, have been accompanied by the removal of top soil, digging of trenches and constructions of high earth mounds or berms around each yard. At Meadowlands slurry was pumped onto the land. In our view these measures, which prevent the owners entering their properties for legal purposes, including retrieval of personal items after eviction, are illegal. They also prevent the owners using land for legitimate purposes, such as grazing. We complain that Constant has been involved in this. If the ACEA considers that to be a criminal or civil law matter, will you please indicate this? We require that Constant allow property owners vehicle access to their land after the eviction for the purpose of removing items. At previous evictions, Constant has left behind sections of fencing, including posts, cess-tanks and other items and we maintain owners have a right to collect these without hinderance.

53 Regarding Twin Oaks, P.W.E. says Hertsmere council recognizes his right to graze ponies on his land and has promised to erect a gate in the berm.

54 Has Constant, in assessing the work at Dale Farm, taken into consideration that parts of Oak Lane and Camilla Drive serve the legal property at Dale Farm House? Note that Mrs Ann Egan, who was ill-treated at Twin Oaks, and had her wheelchairs crushed by Constant, now resides at this address.